

To the Honorable Council City of Norfolk, Virginia November 17, 2015

From:

David L. Ricks, Director of Public Works

States Environmental Protection Agency to Enter Certain City-owned

Property

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:

Marcus D. Jones, Ofty Manager

**Item Number:** 

R-1

I. Recommendation: Adopt ordinance.

II. Applicant: City of Norfolk

#### III. Description:

This agenda item is an ordinance authorizing the City Manager to execute a Consent to Enter Property or other such agreement on behalf of the City of Norfolk ("City"). The agreement will allow the United States Environmental Protection Agency ("EPA") entry onto the Harbor Park property for the purpose of conducting a Targeted Brownfields Assessment ("TBA").

### IV. Analysis:

- The City of Norfolk has been awarded a TBA technical assistance grant for the Harbor Park area by the EPA.
- Included in the technical work to be undertaken by EPA at the Harbor Park site is completion of Phase 1 and Phase 2 Environmental Site Assessments, which may include collection of surface water, groundwater, surface soil, subsurface soil, air and other samples.

#### V. Financial Impact:

There will be no financial impact on the department's budget.

#### VI. Environmental:

There will be a positive environmental impact resulting from this project. The goal of the EPA's TBA program is to restore and revitalize underutilized properties.

## VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

## VIII. Board/Commission Action:

N/A

#### IX. Coordination/Outreach:

This letter has been coordinated with the Department of Public Works, the Department of Development and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A (spreadsheet and accompanying map)

10/30/2015 - wld

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

# **ORDINANCE** No.

AN ORDINANCE APPROVING THE ENTRY BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE COMMONWEALTH OF VIRGINIA, AND THEIR EMPLOYEES, AGENTS, CONTRACTORS AND AUTHORIZED REPRESENTATIVES UPON CERTAIN CITY OWNED PROPERTY LOCATED AT HARBOR PARK AND VARIOUS OTHER LOCATIONS WITHIN THE CITY FOR THE PURPOSE OF COLLECTING SURFACE WATER, GROUNDWATER, SURFACE SOIL, SUBSURFACE SOIL, AIR AND OTHER SAMPLES IN CONNECTION AGENCY'S PROTECTION ENVIRONMENTAL THE WITH OF A TARGETED BROWNFIELDS PERFORMANCE ASSESSMENT.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the entry by the United States Environmental Protection Agency ("EPA"), the Commonwealth of Virginia ("State"), and their respective employees, agents, contractors and authorized representatives (collectively "Responders") upon certain City owned property located at Harbor Park and various other locations within the City of Norfolk, all of which are designated in <a href="Exhibit A">Exhibit A</a> attached hereto, for the purpose of collecting surface water, groundwater, surface soil, subsurface soil, air and other samples at the various properties designated in connection with the EPA's performance of a Targeted Brownfields Site Assessment, as authorized by Section 104(k) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(k) is hereby approved.

Section 2:- That the entry upon the designated City parcels by the Responders shall be in accordance with such terms and conditions as shall be satisfactory to the City Attorney and in the best interests of the City.

Section 3:- That the City Manager, and other proper officers of the City, are authorized to execute a Consent to Enter Property or such other agreement on behalf of the City.

Section 4:- That the City Manager is further authorized to correct, amend or revise the Consent to Enter Property or any such other agreement as he may deem necessary in order to carry out the purposes stated herein.

Section 5:- That this ordinance shall be in effect from and after the date of its adoption.

MAP ID ***	Address	Parcel GPIN	Tax Account	City Owned?	Purchase Date	Previous Owner	Phase I ESA	Phase II ESA	Other	Parcel	Area
										Sq Ft	Acreage
,	NSE Main Street	1437241069	32269112	Y	5/13/1987	N&W Railway Co				131,265	3.0135
2	1115 E. Main St	1437139869	32266310	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed *	12,096	0.2777
3	1105 E. Main St	1437147041	42071600	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	34,458	0.0794
4	1101 E. Main St	1437147013	42071500	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	2,654	0.0610
5	1115 Water St	1437130839	42117200	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	46,755	1.0734
100000000000000000000000000000000000000	1119 Water St	1437132883	44768700	Ý	7/11/2003	Upton Storage Assoc	4/8/2003	6/13/2003	DEQ PC Closed	16,283	0.3739
6	1125 Water St	1437134718	44768600	Ý	7/11/2003	Upton Storage Assoc	4/8/2003	6/13/2003	Letter of Best Mgt Prac	44,409	1.0195
8	1150 Water St	1437136859	32118100	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	10,307	0.2367
9	1155 Water St	1437136753	60051300	Ý	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	28,384	0.6620
	1170 Water St	1437137837	05285800	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	14,948	0.3432
10	1200 Water St	1437139846	02701000	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	22,812	0.5237
	1200 Water St 1201 Water St	1437138658	32266300	Ÿ	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	23,879	0.5482
12	1215 Water St and	1437 130000	52200000		171112000		4/8/2003	6/13/2003	DEQ PC Closed		
13	1215 Water St and 1235 Water St	1437231613	23251300	Υ	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	35,538	0.8848
		1437146073	32116900	State	2/16/1982	NorfBaltCarolina	4/8/2003	6/13/2003	DEQ PC Closed		
14	E. S. Hutchens Lane	1437136967	O5285100	Y	7/11/2003	Eliz River Land Co	4/8/2003	6/13/2003	DEQ PC Closed	5,690	0.1307
15	E. S. Hutchens Lane	1437330842	79792000	Y	4/15/1987	Line (300) Carrier				1,221,362	28.0387
16	140 Park Ave CO1 & CO2	1437330642	33935210	Ý	1/26/2004	Peck Iron & Metal				237,587	5.4543
17	SS Lovitt Ave	1437333470	60069000	Y	9/19/2003	River Door Boathouse Inc			Asbestos inspection**	39,894	0.9159
18	119 Park Avenue	1437134985	19572900	Y	9/7/2007	Haynsworth	9/5/2007		Subsurface Invest recc	22,248	0.5108
19	1112 & 1114 Water St	1437133958	19572906	Y	9/7/2007	Haynsworth	9/5/2007		Subsurface Invest recc	2,369	0.0544
20	N S Water St	1437145060	84894160	State	11/14/1988	n/a			LANGE THE RESIDENCE OF THE STATE OF THE STAT	173	0.0040
21	SS Waterside Drive	1437 145000	04084100	State	1111-11100	The property of the second		The second second second	Visite a susception of some other device of		
									* Petroleum constituents		
		-							* * 9/26/2008		
***	Note: Map ID has no legal sigi	nficance and was	created for con	venience in	locating parce	ls on the accompanying maps				1,953,111	44.2058



